

Having therefore reviewed the record and the issues de novo, and having considered the objections, the Court hereby adopts the Report and Recommendation and, for the reasons stated therein, dismisses the petition. Additionally, because the petitioner has not made a substantial showing of the denial of a constitutional right, the Court declines to issue a Certificate of Appealability under 28 U.S.C. § 2253. Further, the Court certifies pursuant to

28 U.S.C. § 1915(a)(3) that any appeal from the Court's order would not be taken in good faith. Clerk to enter judgment.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
September 11, 2006